UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KNIGHT FIRST AMENDMENT INSTITUTE AT COLUMBIA UNIVERSITY,

Plaintiff,

v.

U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. CUSTOMS AND BORDER PROTECTION, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. DEPARTMENT OF JUSTICE, and U.S. DEPARTMENT OF STATE,

Defendants.

No. 1:17-cv-07572-ALC

JOINT STATUS REPORT

As indicated in the Defendants' December 6, 2019 letter, ECF No. 149, the Knight First Amendment Institute at Columbia University (the "Knight Institute" or "Institute") and Defendants U.S. Customs and Border Protection ("CBP"), U.S. Immigration and Customs Enforcement ("ICE"), U.S. Citizenship and Immigration Services ("USCIS"), U.S. Department of Justice ("DOJ"), and U.S. Department of State ("State"), respectfully submit this Joint Status Report to update the Court regarding the agreed terms and deadlines for searches for records responsive to Item 1 of the Institute's Freedom of Information Act ("FOIA") request (the "Request") by CBP, ICE, USCIS, DOJ, and State.

A. The Parties' Agreements

1. Pursuant to a prior agreement between the parties, CBP, USCIS, DOJ's Office of Information Policy ("OIP") and Office of Public Affairs ("OPA"), and State did not initially search for documents responsive to Item 1 of the FOIA Request. However, CBP, USCIS, OIP, and State have agreed to conduct searches for records responsive to Item 1 of the Request. *See* ECF No. 146. The parties have since continued to negotiate the terms of those searches and have reached certain agreements, as detailed below.

a. CBP

2. The parties are still finalizing details of CBP's search. The parties plan to file a letter informing the Court of their agreement once it has been reached.

b. ICE

3. ICE's Item 1 search terms were provided in the parties' October 11, 2019 joint letter. *See* ECF No. 146. ICE has agreed to provide its potentially responsive page count to the Knight Institute by December 20, 2019.

c. USCIS

4. Using its own search terms, USCIS will (1) search using known White House email domains; (2) USCIS FOIA will inquire of the USCIS Executive Secretariat's Office whether personnel in that Office have received any responsive emails from White House personnel sent to them from non-government email accounts; (3) use appropriate White House search terms; and (4) follow up on leads generated during the search.

5. USCIS has agreed to complete its initial search for responsive records by April 6, 2020. By April 23, 2020, USCIS will meet and confer with the Knight Institute, inform the Knight

Institute of the volume of responsive records USCIS has compiled, and determine a production schedule.

d. OIP

6. The parties have agreed that OIP will search former Attorney General Jeff Sessions's emails, as well as the Office of the Attorney General, Office of the Deputy Attorney General, the Office of Legal Policy, and the Office of Public Affairs. OIP will use the following search terms[1]:

> Search A: (vet* OR screen* OR exclude* OR deny OR deni* OR refus* OR remov* OR monitor* OR scrutin* OR security OR immigra* OR visa) AND (extreme OR enhanc* OR continuous OR "social media" OR ideology* OR "first amendment" OR "1st amendment" OR speech OR belief OR association)
>
> Search B: 13769* OR "Protecting the Nation from Foreign Terrorist Entry" OR 13780* OR 9645* OR 9723* OR "Optimizing the Use of Federal Government Information" OR "National Vetting Enterprise" OR "National Vetting Center" OR "Visa Security"

7. OIP has agreed to complete its initial search for responsive records by January 17, 2020. On that date, OIP will report the number of potentially responsive records that were located in this initial search to the Knight Institute and provide an estimated timeframe for OIP to conduct its review of these records to identify responsive records. Once OIP has identified responsive records, it will meet and confer with the Knight Institute to determine a schedule for the processing and production of any responsive, non-exempt portions of the records.

e. State

8. The parties have agreed that State will search for records created between January 19, 2017 and March 31, 2018. State will (1) search for eop.gov email addresses; and (2) use reasonable efforts to determine whether certain White House personnel as identified by the Knight

[1] Asterisks in the search terms function as a "wildcard."

Institute communicated with State via their personal email addresses, and if so, include those email addresses in the search. State will use the following search terms:

> ("social media" OR ideology* OR "first amendment" OR "1st amendment" OR speech OR belief OR association) AND ((immigra* OR visa) AND (vet* OR screen* OR exclud* OR deny OR deni* OR refus* OR remov* OR monitor* OR scrutin* OR SAO))

9. State has agreed to complete its initial search of eop.gov email addresses for responsive records by January 17, 2020. By that date, State will report the number of potentially responsive records and corresponding page total to the Knight Institute. To the extent State identifies the personal email addresses of the White House personnel identified by the Knight Institute during its review, it will revise its search to include those email addresses and provide updated figures regarding the number of potentially responsive records and corresponding page total thereof.

B. Proposed Next Step

10. The parties have agreed to submit a joint status report by February 21, 2020, providing the Court with further updates regarding the status of Defendants' searches for records responsive to Item 1 of the Request and proposing deadlines for the completion of responsiveness reviews and the processing of responsive records.

Dated: December 20, 2019

Sincerely,

GEOFFREY S. BERMAN
United States Attorney

By: */s/ Ellen Blain*

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